

Assembly Bill No. 841

CHAPTER 864

An act to amend Sections 52890, 54726, 54734, and 58562 of the Education Code, relating to pupil retention.

[Approved by Governor October 12, 2003. Filed
with Secretary of State October 12, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 841, Vargas. Pupil retention.

(1) Existing law, the School-Based Pupil Motivation and Maintenance Program and Dropout Recovery Act, authorizes school districts to establish and maintain school-based pupil motivation and maintenance programs to improve the ability of schools to keep pupils in school and to reduce pupil absenteeism, truancy, tardiness, and school dropout rates. The existing act requires, for school-based motivation and maintenance programs, the schoolsite council to develop a school plan for increasing the retention rate of the school for all pupils with special emphasis on the needs of high-risk pupils. Existing law requires that plan to include a description of the manner in which the school district will utilize outreach consultations and prescribes the qualifications of outreach consultants. Under the existing act, a school may not operate a school motivation and maintenance program unless an application to operate a school motivation and maintenance program has been submitted to, and approved by, the Superintendent of Public Instruction, and unless a newly developed plan or a revision of the previously approved plan has been approved by the local governing board and is retained at the schoolsite. Under existing law, the Superintendent of Public Instruction is required to perform various duties related to school-based pupil motivation and maintenance programs.

This bill would, with certain exceptions, require each outreach consultant utilized for purposes of a school-based motivation and maintenance program to possess a Dropout Prevention Specialist Certificate from a California State University, as prescribed, and would make clarifying changes in related provisions. The bill would require a school-based motivation and maintenance program plan to include provisions for participation in specified activities organized and provided by the network of schools implementing pupil motivation and maintenance programs. The bill would authorize the Superintendent of Public Instruction to utilize the services of field personnel with expertise and knowledge of successful pupil motivation and maintenance

programs to assist the State Department of Education in carrying out its duties related to school-based pupil motivation and maintenance programs.

(2) Existing law authorized the certification of educational clinics that, among other things, recruited or received referral of high school dropouts, provided instruction in basic academic skills, provided employment orientation or reentry orientation, operated on a clinical client-centered basis, and conducted courses of instruction. Existing law made those provisions inoperative on July 1, 2003, and repeals them as of January 1, 2004.

This bill would make those provisions inoperative on July 1, 2007, and repeal them as of January 1, 2008.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) The School-Based Pupil Motivation and Maintenance Program and Dropout Recovery Act enacted by the Legislature in January 1986, has proven to be effective in reducing dropout rates, increasing attendance, improving pupil achievement, and creating a positive school culture that supports intellectual, physical, emotional, and social development, as well as the well-being of high-risk pupils in low-performing schools.

(2) In the 1999–2000 school year, 450 schools participated in the Pupil Motivation and Maintenance Program, serving an estimated 413,000 pupils. Those schools perform significantly better than comparable schools that are not in the program by keeping pupils in school by reducing absenteeism, truancy, tardiness, and pupil suspensions for improper behavior. A recent evaluation of the program shows that it is particularly effective with Latino pupils, who comprise 69 percent of all pupils attending schools that participate in the program.

(3) The California Dropout Prevention Network, organized by the participating schools, has been an effective strategy for providing technical assistance and staff development services, and for assisting new schools in planning their schoolsite plans for dropout prevention and schoolsite coordination of categorical resources.

(4) In spite of the fact that participating schools are characterized by poverty and ethnic diversity, which can be indicia of low-performance, 65 percent of participating schools meet or exceed their performance targets, as compared to 52 percent of all other schools.

(b) It is the intent of the legislature to improve the program by implementing recommendations for program improvement and



providing for qualified school personnel to assist the Department of Education in providing technical support, training, and program development assistance to participating schools.

SEC. 2. Section 52890 of the Education Code is amended to read:

52890. Each school district and school that submits a school-based motivation and maintenance program plan pursuant to Article 6 (commencing with Section 54720) of Chapter 9 of Part 29 shall include in the plan a description of the manner in which it will utilize outreach consultants. For purposes of this article, each outreach consultant, at a minimum, shall do all of the following:

(a) Possess a Dropout Prevention Specialist Certificate from a California State University, or enroll in a Dropout Prevention Specialist Certificate program within 90 days of the date of hire, except that outreach consultants employed on or before January 1, 2004, are exempt from this requirement.

(b) Demonstrate knowledge of local alternative educational programs and employ those programs to respond to the differential needs and unique learning styles of pupils.

(c) Demonstrate knowledge of local community agencies and community programs to recruit those agencies and programs to assist in the physical or psychological remediation of pupils.

(d) Utilize local school programs, options, and opportunities to assist pupils in locating, securing, or retaining employment.

(e) Utilize techniques that enhance interpersonal communication, self-understanding, self-disclosure, and depth-level sharing.

(f) Employ appropriate methods to create circumstances necessary so that change is permitted and encouraged in individuals, programs, and institutions.

(g) Be responsible for supervising, instructing, conducting negotiations with, and advising pupils and adults.

SEC. 3. Section 54726 of the Education Code is amended to read:

54726. For school-based motivation and maintenance programs, the schoolsite council shall develop a school plan for increasing the retention rate of the school for all pupils, with special emphasis on the needs of high-risk pupils. For schools establishing school-based motivation and maintenance programs, the plan shall include, but need not be limited to, all of the following:

(a) A staff development program for teachers, other school personnel, paraprofessionals, and volunteers, including those participating in special programs.

(b) Provisions for participation in peer group technical support, new school training, program development and staff development activities



organized and provided by the network organization of schools implementing pupil motivation and maintenance programs.

(c) Provisions for the utilization of the pupil success team process to identify and assess the needs of pupils who are dropouts or potential dropouts, and to develop programs to meet the needs of those pupils. Each pupil success team shall include all of the following:

(1) Pupils identified as dropouts or potential dropouts wherever appropriate.

(2) The pupil's parents or guardians.

(3) One of the pupil's teachers or, in the case of a school dropout, a teacher who would have provided instruction to the pupil if he or she were still attending school.

(4) The school principal or the principal's designee.

(5) Other appropriate resource teachers or specialists.

(6) Whenever appropriate, representatives of public or private community organizations, park and recreation agencies, law enforcement agencies, or business and industry.

(d) A duty statement describing the specific duties of the outreach consultant and limiting those duties to activities that benefit high-risk pupils, as defined in subdivision (c) of Section 54721.

(e) Procedures for coordinating services from funding sources at the school level to assist pupils to participate successfully in the core academic curricula and specialized curricula related to jobs and career opportunities.

(f) Instructional and auxiliary services to meet the special needs of pupils identified as being at high risk of not succeeding in the regular school program or dropping out of school, non-English-speaking or limited-English-speaking pupils, including instruction in a language these pupils understand; educationally disadvantaged pupils; gifted and talented pupils; and pupils with exceptional needs.

(g) At the elementary school level, provisions for early identification and intervention to address learning problems, including, but not limited to, the assessment of primary grade pupils to identify and commence remediation of developmental and other learning difficulties.

(h) An emphasis on literacy and basic skills development.

(i) An emphasis on curriculum content and teaching strategies that are relevant to job or career opportunities.

(j) A plan that integrates and coordinates the skills and talents of outreach consultants.

(k) Other activities and objectives established by the council.

(l) The proposed expenditure of funds available to the school through the programs described in Section 54723 and other available funds.



(m) The schoolsite council shall consult with local officials, including officials from law enforcement and public health, and with representatives from nonprofit organizations that work with at-risk youth before making this proposal.

(n) The schoolsite council shall annually review the school plan, establish a new budget, and, if necessary, make other modifications in the plan to reflect changing needs and priorities.

SEC. 4. Section 54734 of the Education Code is amended to read:

54734. The Superintendent of Public Instruction shall do all of the following:

(a) Assist school districts and schools, upon request, in designing, implementing, or evaluating school plans authorized by this article.

(b) Apportion funds in accordance with Article 3 (commencing with Section 52850) of Chapter 12 of Part 28 and this article.

(c) Conduct program quality and fiscal reviews to do all the following:

(1) Ensure that funds allocated pursuant to this article are expended for the purposes intended.

(2) Provide information helpful to schools in improving their programs.

(3) Provide information and technical assistance helpful to schools in improving the school-based pupil motivation and maintenance programs.

(d) Establish an information dissemination repository, including, but not limited to, model programs, instructional strategies, and effective practices for working with high-risk pupils and increasing the pupil retention of schools and school dropout recovery programs. This repository shall be made available to school districts.

(e) Provide schools eligible to apply for grants under the High Priority Schools Grant Program for Low Performing Schools pursuant to Section 52055.600 with all of the following information:

(1) Program elements for dropout prevention and student support strategies in the Pupil Motivation and Maintenance Program.

(2) Model programs and instructional strategies for high-risk pupils.

(3) Effective practices for increasing pupil retention and dropout recovery programs.

(4) Eligibility requirements and application procedures.

(f) Request that school plans submitted pursuant to Article 3 (commencing with Section 52850) of Chapter 12 of Part 28 by school district governing boards be in compliance with this article and any implementing administrative regulations.

(g) The Superintendent of Public Instruction may utilize the services of field personnel with expertise and knowledge of successful pupil

motivation and maintenance programs to assist the department in carrying out the activities described in this section.

SEC. 5. Section 58562 of the Education Code is amended to read:

58562. This chapter shall become inoperative on July 1, 2007, and, as of January 1, 2008, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2008, deletes or extends the dates on which it becomes inoperative and is repealed.

